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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,294	03/13/2006	Lee Underwood	36290-0392-00-US (221804)	3518
23973 7590 12/10/2009 DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996			EXAMINER GIRMA, FEKADESELEASS	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 12/10/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,294	Applicant(s) UNDERWOOD ET AL.	
	Examiner Fekadeselassie Girma	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-12 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-12 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/2009 has been entered. Claims 1 & 7 are amended, claims 8, 13 and 14 are cancelled, and no claims are added. Therefore claims 1-7, 9-12 and 15-17 are currently pending in the application.

Objections to the Drawing

2. The drawings are objected again under 37 CFR 1.84 (o) for the record because the boxes in Fig. 1 & Fig. 2 fail to show descriptive (text) legends. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after

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the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as “Annotated Sheets” and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Objections to the Specification

3. The specification is objected to because it does not include the sections in order. The specification should have a background section, brief summary of the invention, detailed description subtitled and clearly indicated in the sections.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant’s use.

Arrangement of the Specification

4. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase “Not Applicable” should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

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- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).
Appropriate correction required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 6, 9, 10, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valadez (US 4969991) in view of Hsu (US 6380637).

As to claim 1, Valadez in, Water purifying and dispensing system, discloses having the claimed a data carrier met by controller (Col. 5, Lines 7-12); code relating to an operation of water treatment apparatus read on Col. 5, Lines 8-12. Valadez does not disclose a separable pass key in communication with apparatus.

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However, Hsu in a housing for receiving a portable memory element having a selected alterable monetary value stored thereon teaches a pass key met by portable memory element 140; adapted to be physically held and operable by a user during use read on Col. 12, Lines 57-60; water treatment apparatus being a stand alone unit that is adapted to receive and activated by pass key read on Col. 12, Lines 51-67; a water treatment apparatus adapted to read the pass key when the pass key is in communication with the apparatus read on read on Col. 4, Lines 21-30 & Col. 12, Lines 57-67; the pass key being separable from the water treatment apparatus read on Col. 12, Lines 57-60; pass key being connectable to water treatment apparatus from outside the unit read on Col. 12, Lines 51-67. The artisan recognizes the obviousness of the receiving receptacle 130 can employ any selected mechanical and electrical assemblies that allow for the reading of recorded information from the memory element 140, or to write or update information stored on the recording element 140.

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the Off-board station and an electricity exchanging system suitable for use with a mobile vehicle power system of Hsu into Valadez in order a user authorization element to assist the recording or tracking of electricity exchanged between the vehicle and the electricity exchanging system.

As to claim 2, Hsu further teaches the programmable key is programmable read on Col. 13, Lines 8-18. It is obvious that the receiving receptacle writes or updates information stored on the recording element 140.

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the Off-board station and an electricity exchanging system suitable for

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use with a mobile vehicle power system of Hsu into Valadez in order to increase flexibility of the use of memory element.

As to claim 3, Valadez discloses the operation comprises filtration, sanitization or recirculation read on Col. 5, Lines 40-48.

As to claim 5, Valadez discloses the pass key includes a memory read on Col. 7, Lines 1-8.

As to claim 6, Valadez discloses the pass key contains data relating to the water treatment apparatus read on Col. 5, Lines 14-20.

As to claim 9, the claim is interpreted and rejected as to claim 4.

As to claim 10, Valadez further discloses the pass key includes electronic circuits which can communicate with electronic circuits within the water treatment apparatus read on Col. 5, Lines 55 – Col 6, Line 6.

As to claim 12, Valadez discloses the electronic circuits communicate by physical contact read on read on Col. 5, Lines 55 – Col 6, Line 6.

As to claim 15, Valdez further discloses data includes at least one of validation information, process information and manufacturing information read on Col. 5, Lines 14-20.

As to claim 17, Hsu further discloses the pass key can be connected, installed and/or fitted into the water treatment apparatus in order for the pass key to communicate with the water treatment apparatus read on Col. 15, Lines 5-15. It is obvious that the memory element 140 into the receiving receptacle 130 of the exchange facility 102, connects electrical line 28 to the input electrical leads 108, and then actuates the contact switch 106.

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Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the Off-board station and an electricity exchanging system suitable for use with a mobile vehicle power system of Hsu into Valadez in order to allow for the reading of recorded information from the memory element 140, or to write or update information stored on the recording element 140.

7. Claims 4, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valadez in view of Hsu further in view of Alve (US 6988204).

As to claim 4, Valadez discloses all claimed limitations except a multiple access points. However, Alve teaches the water treatment apparatus has multiple access points read on Col. 1, Lines 67 – Col. 2, Lines 3. The artisan recognizes the obviousness of smart card that provides network connectivity, such as card reader to receive an access key by, for instance, by placing the KDC into a second media device that does have an integrated or peripheral card reader, and having the first media device connect to the second media device via a network or other data connection. The network connectivity so provided can be used, for example, to distribute access keys to other media devices.

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the System and method for key distribution and network connectivity of Alve into Valadez in view of Kuennen in order to provide logging onto computer networks, accessing authorized domains, and accessing persistently-protected data.

As to claim 11, Valadez in view of Hsu discloses all claimed limitations except electronic circuit communicate via transmittable waveforms. However, Alve teaches an electronic circuit

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communicates via transmittable waveforms read on Col. 5, Lines 65-67. The artisan recognizes the obviousness of Smart Networking Card (SNC) that provides wireless network connectivity to a device by way of a specialized smart card. In wireless communication embodiments, the devices could communicate, for example, using Bluetooth or IEEE 802.11(b) communication protocols. Bluetooth is an open wireless protocol for exchanging data over short distances from fixed and mobile devices, creating personal area networks (PANs). It was originally conceived as a wireless alternative to RS232 data cables. It can connect several devices, overcoming problems of synchronization.

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the System and method for key distribution and network connectivity of Alve into Valadez in view of Hsu in order to provide logging onto computer networks, accessing authorized domains, and accessing persistently-protected data.

As to claim 16, the claim is interpreted and rejected as to claim 11.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valadez in view of Hsu further in view of Ahlstrom (US 6606260).

As to claim 7, Valadez in view of Hsu discloses all claimed limitations except pass key is time coded and only operational for preset time period. However, Ahlstrom in building access using an assigned access code and/or card to access the building complex teaches a pass key is time coded and only operational for preset time period read on Col. 6, Lines 61-65. The artisan recognized the obviousness of smart cards can be coded or programmed to perform access control for a preset period of time. The smart card uses the code to enter and exit the building

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for a preset amount of time until the period expires and the card/code is no longer valid. To reuse the card for another preset amount of time, the card has to be programmed with another code with different expiration date. The code provides authorized access over a period of days/hours/minutes beginning immediately.

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the Switch mode power supply for a telephone entry system or the like of Ahlstrom into Valadez in view of Hsu in order to control access to secured facilities, buildings, office buildings, condominium complexes, gated residential communities, industrial parks and other secured locations.

Response to Arguments

9. Applicant's arguments with respect to claims 1-7, 9-12 and 15-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fekadeselassie Girma whose telephone number is (571) 270-5886. The examiner can normally be reached on Monday thru Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FG/

/Daniel Wu/

Supervisory Patent Examiner, Art Unit 2612